

## **DIRECTOR'S ORDER #13A: ENVIRONMENTAL MANAGEMENT SYSTEMS**

**Approved:** /s/ Fran P. Mainella

Director

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### **Table of Contents**

- I. PURPOSE and BACKGROUND
- II. APPLICABILITY
- III. AUTHORITY and RELATED GUIDANCE
- IV. DEFINITIONS
- V. POLICIES
- VI. REQUIREMENTS and INSTRUCTIONS
- VII. RESPONSIBILITIES and ROLES
- VIII. REFERENCE MATERIALS

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This Director's Order (DO), together with accompanying Reference Manual (RM) 13A, supplements requirements found in Executive Order 13148 (EO). This DO supersedes any conflicting National Park Service (NPS) directives and guidelines that may have been issued previously.

### **I. PURPOSE and BACKGROUND**

The NPS functions in a complex global environment unforeseen by the framers of the 1916 NPS Organic Act. NPS managers today must demonstrate an awareness and understanding of the interdependency of the ecosystems, resources, biodiversity, and aspects of human culture entrusted to our stewardship in order to better preserve, conserve, and protect them for future generations. One aspect of this awareness and understanding is how park stewardship relates to environmental management.

NPS stewardship is defined by the resource protection ethic of employing the most effective concepts, techniques, equipment, and technology to prevent, avoid, or mitigate impacts that would compromise the integrity of park resources. It requires that park managers demonstrate environmental leadership by

implementing sustainable practices in all aspects of management, and the active communication of these practices—along with their purposes and values—to park employees, visitors, partners, and stakeholders.

An EMS provides us with a tool to achieve environmental stewardship and leadership. Moreover, EO 13148 requires an EMS to be implemented at all appropriate Federal agency facilities by December 31, 2005. An EMS is to include “measurable environmental goals, objectives, and targets that are the subject of review and that are updated annually.”

This DO articulates the principles and policies for developing and implementing a Servicewide EMS approach that guides environmental decision-making and actions at all levels. Its purpose is to help ensure compliance with regulatory requirements and a commitment to pollution prevention, waste reduction, sustainable planning, environmentally preferable purchasing, and the incorporation of environmental best management practices. As such, this DO also provides a framework for making decisions that impact the environment where no such applicable DO currently exists. This DO recognizes and supports actions that have already taken place in parks and Regional Offices, and which have furthered the development and implementation of EMSs. It builds on these successful efforts so that the NPS will have a more systematic and consistent approach to this issue. It will be supplemented by Reference Manual 13A, which will provide additional guidance on procedures and requirements.

## **II. APPLICABILITY**

The principles, policies, and procedures contained in this DO are applicable Servicewide; with the ultimate goal of having an appropriate EMS at each organizational level. Consistent with the intent of EO 13148 and Departmental guidance, the NPS recognizes four basic levels within the NPS that will be required to develop and implement an EMS:

- A. Headquarters.** Headquarters will develop and maintain an EMS that includes all facilities not otherwise defined below, unless such facilities elect to establish an individual EMS consistent with the Servicewide approach.
- B. Region.** Each region will develop and maintain an EMS that is consistent with this DO and the Servicewide approach, and that reflects its specific practices and procedures, incorporating goals, objectives, and targets to support those developed by Headquarters.
- C. Park.** All parks are considered “appropriate facilities” in the context of section 401(b) of EO 13148. Therefore, each park, or grouping of parks under the same Superintendent, will develop and maintain an EMS that is consistent with this DO and the Servicewide approach, and that reflects park-specific practices and procedures. Each park will also incorporate the goals, objectives, and targets that support those developed by the appropriate region.
- D. Concessioners.** All concessioners operating under a Category I or II Concession Contract are required under Section 6(b) of the new Standard Concession Contract to develop and implement an EMS. The (Washington Area Support Office (WASO) Concession Management Program will apply these DO standards to applicable concession operations and facilities. The Standard Concession Contract requirements were published in the Federal Register on May 4, 2000 (65 FR 26051-26086). It is expected that parks and concessioners will work together and seek coordination and consistency to minimize impacts on NPS resources.

## **III. AUTHORITY and RELATED GUIDANCE**

Authority to issue this DO is contained in the NPS Organic Act (16 U.S.C. 1 et seq.) and in delegations of authority found in Part 245 of the Department of the Interior Manual. Other specific authorities governing this DO include Part 515 Chapter 4 of the Departmental Manual; the Department of the Interior

Strategic Greening Plan of 2000; and the statutes, 2001 Management Policies, and Executive Orders listed in section VIII of this DO. As is the case with all components of the NPS directives system, this order is intended only to improve the internal management of the NPS and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

#### **IV. DEFINITIONS**

**Applicable Laws:** The laws of Congress including, but not limited to, the rules, regulations, requirements, and policies promulgated under those laws, whether now in force, or amended, enacted or promulgated in the future, including, without limitation, Federal, state, and local laws, rules, regulations, requirements, and policies governing nondiscrimination, protection of the environment, and protection of public health and safety.

**Authorized Official:** Individual(s) designated to represent the NPS through the EMS program. The entity or body that authorizes, initiates, or represents the EMS process.

**Best Management Practices (BMP):** Practices that apply the most current means and technologies available to not only comply with mandatory environmental regulations, but to also maintain a superior level of environmental performance.

**Compliance:** Meeting all legal obligations and requirements as identified by applicable laws.

**Concession Contract:** A binding written agreement between the NPS Director and a concessioner entered under 36 CFR 51. It authorizes concessioners to provide certain visitor services within a park under specified terms and conditions.

**Concessioner:** An individual, corporation, or other legally recognized entity that holds an NPS concession contract in accordance with 36 CFR 51.

**Conformance:** Meeting all EMS obligations as identified by EOs, Department of the Interior directives, and NPS guidance and standards.

**Corrective Action:** Any action that eliminates a nonconformance, deficiency, or other undesirable situation in a management system; especially one that addresses the root cause to prevent recurrence.

**Environment:** Surroundings in which an organization operates including air, water, land, natural resources, flora, fauna, humans, and their interrelationships.

**Environmental Leadership:** Integrating environmental accountability into day-to-day decision-making and long-term planning processes. Advocating on a personal and organizational level best management practices and the principles of sustainability, and making decisions that demonstrate a commitment to those practices and principles.

**Environmental Commitment Statement:** A statement of a particular facility's commitment to the environment, including the commitment to compliance and incorporation of best management practices. The environmental commitment statement provides the framework for continuous improvement through the setting of goals, objectives, and targets and the actions necessary to achieve the desired performance improvements.

**Environmental Management System (EMS):** A systematic approach to managing a facility's environmental affairs and support of a formal environmental commitment statement. An EMS includes

organizational structure; planning activities; roles and responsibilities; work practices and procedures; and resources. Each NPS EMS will be consistent with the Code of Environmental Management Principles (CEMP) for Federal Agencies developed by the EPA (61 Fed. Reg. 54062) or another appropriate environmental management system framework (such as that described by ISO 14001).

**Environmental Performance:** Measurable and quantifiable results of a functioning environmental management system.

**Environmentally Preferable Purchasing:** Products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.

**Facility:** Any building, installation, structure, land, and other property owned or operated by, or constructed or manufactured and leased to the Federal Government where the Federal Government is accountable for compliance under environmental regulation (e.g., permits, reports/records and/or planning requirements). This term includes a group of facilities at a single location managed as an integrated operation, as well as Government owned contractor-operated facilities.

**Goal:** A general statement of a desired strategic outcome to be achieved through a facility's EMS (e.g., reduce air pollution).

**Impacts:** The effects of a facility's interaction (or proposed interaction) upon specific natural resources or any other dimension of the environment. Impacts may be direct, indirect, cumulative, beneficial, or adverse.

**Interactions:** A facility's activities, programs, functions, or actions that can connect to, or interrelate with, natural resources or any other dimension of the environment. Interactions have the potential to result in impacts. (The NPS term "interactions" is equivalent to the ISO 14001 term "aspects.")

**Objective:** An objective is a formal environmental goal (e.g., reduce energy consumption) committed to by a facility and derived from the facility's environmental commitment statement and/or from evaluations of its specific environmental interactions and impacts.

**Park:** Any one of the hundreds of areas of land and water administered as part of the national park system.

**Pollution Prevention:** Means "source reduction," as defined in the Pollution Prevention Act (PPA), and other practices that reduce or eliminate the creation of pollutants through: (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation.

**Sustainable Practices/Principles:** Those choices, decisions, actions, and ethics that will best achieve ecological/biological integrity; protect qualities and function of air, water, soil, and other aspects of the natural environment; and preserve human cultures. Sustainable practices allow for use and enjoyment by the current generation, while ensuring that future generations will have the same opportunities.

**Waste Reduction:** Preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

**Target:** A specific performance requirement, quantified where practicable, to achieve a stated objective (e.g., reduce electrical energy consumption by 25% by the end of FY 2004).

## V. POLICIES

To achieve environmental leadership through environmental management systems, the NPS adopts the following policies:

**A. Compliance with all applicable laws.** The NPS will comply with all applicable laws covering protection of the environment, public health, and safety.

**B. Demonstrating environmental leadership.** The NPS will develop and adopt an EMS at each appropriate facility as a basis for achieving environmental leadership. The NPS will demonstrate environmental leadership by:

- Implementing sustainable and environmentally sound operational management and practices, including, but not limited to, general resource conservation, fostering innovative thinking, incorporating pollution prevention, waste reduction, best management practices, and environmentally preferable purchasing in all activities.
- Working with concessioners, partners, suppliers, vendors, and contractors to define and achieve environmental leadership and environmental management goals, targets, and objectives.
- Striving for continual environmental improvement in those areas identified within an EMS.

**C. Consistency and Flexibility.** The NPS developed a model to serve as the standard for NPS EMS activities, and will implement a consistent EMS approach throughout the NPS organizational structure. However, the NPS will allow for flexibility in implementing this approach in the following ways:

- Recognizing the wide variations in the facilities managed, and the need for site-specific management of the affected environmental resources.
- Allowing individual parks to make adjustment to the NPS's EMS Model to take into account site-specific operations and environmental conditions.
- Allowing individual parks to implement a nationally recognized EMS model if the model and its implementation are consistent with the intent of this DO. (Specific minimum requirement must be incorporated into any EMS to ensure it will return the expected and desired benefits. These minimum requirements are detailed in Section VI, Requirements and Instructions. Parks contemplating an alternative EMS model must submit their intended approach to the Team Leader, Environmental Management Program, for review.)

**D. Building Capacity for Successful Environmental Management Systems.** The NPS will build capacity for successful EMSs through:

- Senior level managers explicitly and actively endorsing strategies to support environmental leadership programs, policies, and procedures.
- Placing high priority on obtaining funding and resources needed to implement recommendations from environmental management system audits.
- Incorporating EMS performance measures in facility audit protocols.
- Providing EMS training to NPS employees, contractors, and concessioners so they will acquire a comprehensive understanding of their role regarding this DO. To aid in this, EMS training modules for park management and staff were developed by the Environmental Management Program Team Leader and the EMS Task Group. Parks must use such training materials, as

well as the Model EMS, in outreach and awareness initiatives with employees, contractors, and concessioners. The Concession Environmental Management Program will develop resources and appropriate training materials on EMS for concessioners providing visitor services. Other internal NPS environmental training programs and communication initiatives (e.g., hazardous materials management, pollution prevention, and greening) should acknowledge the Model EMS and the role of the Servicewide EMS program.

- Measuring and tracking environmental compliance and overall environmental performance through the use of environmental audits at all parks. Audits will ensure compliance with EMS requirements, environmental compliance, recommend and emphasize best management practices, and educate employees at all levels about their environmental management responsibilities. Substandard conditions found by an audit will be corrected in an expedited manner. Audit results will be used as one means to improve EMS effectiveness.

Concessioner operations (i.e., facilities and services) are also subject to environmental audits to ensure compliance; minimize environmental liability; promote awareness regarding environmental management; and identify opportunities to incorporate best management practices. Environmental assistance resources will also be provided to concessioners through the Concession Environmental Management Program.

## **VI. REQUIREMENTS and INSTRUCTIONS**

This section details the minimum requirements that must be included in an EMS, based on the policies contained in section V, above. The specific content of each individual requirement must be tailored; however, to reflect the conditions at each facility.

### **A. Environmental Commitment Statement**

- Each facility will develop and document an environmental commitment statement affirming the facility's intent to strive for exemplary environmental management.
- The environmental commitment statement should be site-specific to the facility that is undertaking an EMS as well as incorporate appropriate broader Regional and Servicewide goals and objectives, as available.

### **B. Facility Interactions and Environmental Impacts**

- Each facility will establish, implement, and document procedures that identify how its activities interact with and impact on the environment.
- Selected interactions and their significant environmental impacts will establish the basis for setting specific environmental goals, objectives, and targets. The EMS approach is intended to move the NPS beyond compliance and to encourage environmental leadership in all aspects of a facility's environmental interactions. Compliance should be considered a central component of an EMS, but it should not form the exclusive goals, objectives, or targets.

### **C. Goals, Objectives, and Targets**

- Procedures to identify specific goals, objectives, and targets based on and relating to significant environmental impacts will be developed, documented, and then implemented.
- Identified goals, objectives, and targets will be quantified, and a timeframe proposed for their achievement.

- Assessment of the timely achievement of goals, objectives, and targets will be used by NPS leadership in a review of the EMS.
- Continual improvement includes a requirement for periodic reviews of the relevance and achievement of documented goals, objectives, and targets. After these reviews, additional goals, objectives, and targets will be chosen and documented as applicable.
- New goals, objectives, and targets can be added at any time. New goals, objectives, and targets will always be set when previous goals, objectives, and targets have been accomplished or are otherwise determined to no longer be relevant.

#### **D. Roles, Responsibilities, and Accountability**

- Each facility will assign roles and responsibilities that allow for the goals, objectives, and targets to be achieved. Examples of responsibility include the oversight of procurement or management of the facility's solid waste program. Identified responsible parties must be responsible for the environmental performance of the identified activity
- Personnel, budget, and organizational considerations, among others, will be included in assigning roles and responsibilities in order for the EMS to function effectively.
- Each facility should engage appropriate stakeholders, including concessioners, in identifying goals, objectives, and targets. Concession Management will ensure that contract documents and evaluation criteria and standards identify and incorporate the appropriate park EMS goals, targets, and objectives.
- Personnel with responsibilities identified above will have performance evaluation elements added to their position descriptions and/or annual performance plans and will have their performance in carrying out such responsibilities assessed as part of the annual review of their job performance.

#### **E. Document Control, Recordkeeping and Reporting**

- Documents and records are used to demonstrate a facility's compliance with applicable laws, standard operating procedures, and a facility's adoption of applicable best management practices in operational and management activities. Documents and records will serve the same purpose within an EMS.
- A facility will develop procedures that, when implemented, will demonstrate that the organization has carried out all the elements necessary for implementation of the chosen form of the EMS.

More information on required record keeping and document control will be found in RM 13A.

#### **F. Communication**

- Internal Communication – The NPS will work to make sure employees and supervisors stay involved with environmental management, understand the environmental commitment statement, and provide a consistent message about the facility's commitment to environmental performance and leadership.
- Each facility will develop and document a system to provide for communication of all information necessary to implement the EMS to employees.
- The communication system will consider facility interactions and their environmental impacts that are the current focus of the EMS.

- The communication system will recognize parks' unique relationship to partners, including concessioners, by both seeking their input to, and informing them of, EMS issues and developments.
- External Communication – The NPS will work with communities, external stakeholders, and the public to seek, develop, and share outstanding environmental accomplishments through appropriate media such as wayside exhibits, brochures, and educational materials.
- Beyond merely informing those who can contribute to a successful EMS, additional public participation and involvement guidance can be found in DO 75A: Public Participation and Involvement.

## **G. Training**

- Training on environmental leadership issues will acknowledge the critical role established for the Servicewide EMS process, including the Model EMS.
- Documented procedures will be developed and implemented to ensure that all individuals that have a role or responsibility within the EMS have the understanding and capability to carry out that role or responsibility. All environmentally-related training requirements must be identified and documented.

## **H. Monitoring, Measurement, Corrective Action, and Management Review**

- Procedures will be implemented to determine whether or not the EMS is achieving its stated goals, objectives, and targets. As referenced in VI.B, compliance with applicable laws is required. A facility should consider the results of recent environmental audits as one set of data that provides for monitoring and measurement.
- Procedures will be developed and implemented to provide for corrective action to remedy those elements of the EMS that are found to have failed achievement of established goals, objectives, and targets.
- Management review requires the documented periodic review of the direction and intent of an EMS, to determine whether it is achieving the intent of the environmental commitment statement. Procedures will be developed that, when implemented, provide for corrective actions to be taken in the event that a determination is made that the intent of the environmental commitment statement is not being achieved.
- Procedures will be implemented to monitor concessioner environmental performance, and to review and approve concessioner EMSs (as required by Standard Concession Contract language) on an annual basis.

## **VII. RESPONSIBILITIES and ROLES**

Each employee of the NPS is responsible for implementing this DO. Further, all concessioners, contractors, partners, and volunteers have a responsibility to implement the principles of environmental leadership and support the goals, targets, and objectives established by the facility EMS. Employees who make decisions that have an impact on facility resources, fiscal assets, contractual relationships, or visitor services are accountable for taking all steps available to incorporate environmental leadership and EMS principles. Additional responsibilities are identified below.



**A. NPS Director**

1. Sets NPS EMS policies and goals and establishes a system of accountability for implementing those policies and accomplishing the goals.
2. Carries out EMS responsibilities as delegated by the Secretary of the Interior.
3. Designates the Authorized Official to represent the NPS EMS Program.

**B. NPS Associate Director, Park Planning, Facilities, and Lands**

1. Develops and manages the EMS Program to implement NPS policies.
2. Serves as the Authorized Official to represent the NPS EMS Program. Re-delegates Authorized Official responsibilities to Regional Directors, as appropriate.

**C. NPS WASO Environmental Management Program Team Leader**

1. Coordinates the development and implementation of the NPS Servicewide Model EMS for parks through Park Planning, Facilities, and Lands, Washington Area Support Office.
2. Oversees the activities of the NPS EMS Task Group to accomplish the stated objectives of this DO.
3. Coordinates the monitoring and assessment of the EMS Pilot Park initiative.
4. Coordinates development of all EMS training modules for park management and staff, EMS presentations and informational modules, and is responsible for facilitating all management and staff EMS training.
5. Coordinates the development and operation of the NPS EMS web site and all formal communications related to the Servicewide EMS.

**D. NPS EMS Task Group**

1. Assists with developing appropriate EMS resource materials for distribution to park facilities.
2. Provides oversight and support to EMS Pilot Parks and assists in the evaluation of the Pilot Park process.
3. Ensures facilities implement EMS requirements in a systematic manner that is consistent throughout each Region.
4. Communicates the importance of the Servicewide EMS effort and its benefits to internal and external parties.

**E. Regional Director**

1. Maintains responsibility for the overall management of EMS activities in the Region.
2. Reports regional EMS progress to the Associate Director, Park Planning, Facilities, and Lands.

**F. Park Superintendent**

1. Complies with all provisions of this DO.

2. Develops, implements, and supports EMS activities at the park level.
3. Reports park EMS progress to the Regional Director and the Environmental Management Program Team Leader.

#### **G. NPS Associate Director, Administration, Business Practices, and Workforce Development**

1. Maintains responsibility for the overall management of EMS activities in the WASO Concessions Program.
2. Reviews and approves implementation activities carried out by the WASO Concessions Program Manager.

#### **H. WASO Concession Program Manager**

1. Coordinates the development of appropriate EMS resource materials for distribution to concessioners required to develop and implement EMSs.
2. Ensures that contract documents and evaluation criteria and standards identify and incorporate the appropriate park EMS goals, objectives, and targets.
3. Provides oversight and support to concessioners and assists parks, as requested, in reviewing and approving concessioner EMSs.
4. Communicates the importance of concessioner EMSs and its benefits to concessioners and parks.
5. Reports concessioner EMS progress to the Associate Director, Administration, Business Practices, and Workforce Development, the EMS Task Group and others, as appropriate.

### **VIII. REFERENCE MATERIALS**

#### **A. Guidance Documents**

The following is a list of other guidance documents pertaining to the sections above. It is ultimately the responsibility of each manager to be familiar with the information provided in each of these documents. This DO seeks to keep the NPS in compliance with a number of legal authorities, whether in force or amended, enacted, or promulgated in the future. These include Federal, state and local laws, rules, regulations, requirements, policies, and EOs covering protection of the environment and protection of public health and safety. A full listing is found in RM 13A.

#### **B. Statutes**

- Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq.
- Endangered Species Act, 16 U.S.C. § 1531 et seq.
- Federal Clean Air Act, 42 U.S.C. § 7401-7671 et seq., as amended
- Federal Clean Water Act, 33 U.S.C. § 1251 et seq., as amended
- Federal Energy Policy Act, 42 U.S.C. § 13201 et seq.
- Federal Pollution Prevention Act, 42 U.S.C. § 13101 et seq.
- Federal Safe Drinking Water Act, 42 U.S.C. § 201 et seq.
- Federal Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.
- Marine Mammal Protection Act of 1972, U.S.C. § 1361 et seq.
- Migratory Bird Treaty Act, 16 U.S.C. § 590q-1 et seq.
- National Environmental Policy Act, 42 U.S.C. § 4321 et seq.

- National Parks Omnibus Act of 1998, Title IV – National Park Service Concessions Management Improvement Act of 1998, 16 U.S.C. § 5901 et seq.
- Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.

#### **C. Executive Orders**

- Executive Order 11988 and 12148, Floodplain Management
- Executive Order 11990 and 12608, Protection of Wetlands
- Executive Order 12088, Federal Compliance with Pollution Control Standards
- Executive Order 13031, Federal Alternative Fueled Vehicle Leadership
- Executive Order 13101, Greening the Government Through Waste Prevention, Recycling and Federal Acquisition
- Executive Order 13112, Invasive Species Management
- Executive Order 13123, Greening the Government Through Efficient Energy Management
- Executive Order 13134, Developing and Promoting Biobased Products and Bioenergy
- Executive Order 13148, Greening the Government Through Leadership in Environmental Management
- Executive Order 13149, Greening the Government Through Federal Fleet and Transportation Efficiency

#### **D. NPS Director's Orders (and associated handbooks)**

- 2001 NPS Management Policies
- DO 12 – Environmental Impact Analysis
- DO 25 – Land Protection
- DO 30B – Hazard and Solid Waste Management
- DO 30C – Hazardous Spill Response
- DO 48A – Concession Management
- DO 50B – Occupational Safety and Health Program
- DO 77-1 – Wetlands Protection
- DO 77-2 – Floodplain Management

#### **E. NPS Level III Guidance Documents**

- NPS Fuel Storage Management Handbook 1996
- NPS Solid Waste Management Handbook 1996
- NPS Environmental Audit Program Operating Guide, June 2002
- NPS Concession Environmental Audit System Operating Guide
- NPS Concession Environmental Management Program Guidance
- NPS 24 Hour Hazwoper Training Manual, 1998
- NPS 40 Hour Hazwoper Training Manual, 2001
- NPS Hazardous Communication Train-The-Trainer Program, 2001
- NPS Handbook: Responding to Hazardous Substance Releases 1999
- NPS EnviroFact Sheets
- NPS Environmental Management System Tool Kit and Guidance Documents
- NPS Guidance for Wetlands Protection and Floodplain Management

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